

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WYATT et al

Serial No. 09/805,377

Filed: March 14, 2001



Atty. Ref.: 36-1567

Group: 2633

Examiner:

For: OPTICAL COMMUNICATIONS SYSTEM AND METHOD OF  
PROTECTING AN OPTICAL ROUTE

\* \* \* \* \*

January 31, 2002

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**PETITION UNDER 37 C.F.R. § 1.47(a)**

In connection with the concurrently filed completion papers for joint inventors Wyatt and Percival, petition is hereby made under 37 C.F.R. §1.47(a) to proceed without participation by joint inventor Kashyap who refuses to join herein.

The last known address of inventor Kashyap is:

Dr. Raman Kashyap  
Corvis Canada  
701 Gougeon Ville  
St-Laurent, Quebec, CANADA H4T 2B4

Proof of pertinent facts demonstrating Dr. Kashyap's refusal to join in this application are set forth in the accompany factual declaration (and attachments) of Karen Thirlwell.

The petition fee of \$130.00 under 37 C.F.R. §1.17(h-i) is also attached.

02/01/2002 SLUANG1 00000003 09805377

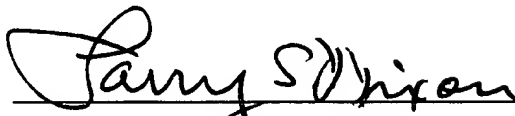
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130.00 0P

Accordingly this petition is believed to be in order and granting of same is respectfully solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
Larry S. Nixon  
Reg. No. 25,640

LSN:vc  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

Case No.: 36-1567

**ASSIGNMENT OF U.S. PATENT APPLICATION**

(Inventors) Richard WYATT  
Robert M. PERCIVAL  
Raman KASHYAP

(Assignee) In consideration of the sum of one dollar (\$1.00) and other good and valuable considerations paid to each of the undersigned, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to **BRITISH TELECOMMUNICATIONS** a public limited company, a corporation of Great Britain

(Address) 81 Newgate Street, London, England EC1A 7AJ

(Title) (hereinafter designated as the Assignee) the undersigned's entire right, title and interest for the United States, its territories, dependencies and possessions in the invention, and all applications for patent and any Letters Patent which may be granted therefore, known as **OPTICAL COMMUNICATIONS SYSTEM AND METHOD OF PROTECTING AN OPTICAL ROUTE**

for which the undersigned has (have) executed on even date herewith an application for patent in the United States of America or, if not on even date, then has executed on \_\_\_\_\_ or has already filed U.S. appln. Serial No. \_\_\_\_\_

The undersigned acknowledges an obligation of assignment of this invention to said assignee at the time the invention was made.

The undersigned agree(s) to execute all papers and documents necessary in connection with the application or any interference which may be declared and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient and further to perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patent of the United States resulting from said application or any division or divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the firm of NIXON & VANDERHYE P.C. the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned signature(s).

Date 10th April 2001 Signature of inventor

Date 10th April 2001 Signature of inventor

Date \_\_\_\_\_ Signature of inventor

Witnessed by: S.T. Singh

Witnessed by: PK

Witnessed by: \_\_\_\_\_

Richard Wyatt  
Robert M. Percival

Date 10th April 2001

Date 10th April 2001

Date \_\_\_\_\_

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WYATT et al

Serial No. 09/805,377

Filed: March 14, 2001

For: OPTICAL COMMUNICATIONS SYSTEM AND METHOD OF  
PROTECTING AN OPTICAL ROUTE

Atty. Ref: 36-1567

Group: 2633

Examiner:

\* \* \* \* \*

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**DECLARATION OF KAREN THIRLWELL  
IN SUPPORT OF  
RULE 47(a) FILING FOR JOINT INVENTOR KASHYAP**

I, Karen Thirlwell, hereby declare and say of my own personal knowledge and belief:

1. THAT I am a registered European Patent Attorney employed by the assignee of the above-identified application; British Telecommunications public limited company (in BT Group Legal Services, Intellectual Property Department), 120 Holborn, Holborn Centre, London, EC1N 3TE.

2. THAT I am the responsible caseholder for prosecution of the above-identified US patent application.

3. THAT the three named joint inventors Richard Wyatt, Robert Michael Percival and Dr. Raman Kashyap were all employees of British Telecommunications public limited company when the invention herein claimed was made. Under applicable UK law, BT plc is the owner of such invention.

WYATT et al

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4. THAT in February 2000, the portion of British Telecommunications public limited company for which all three inventors worked was sold to Corning Limited. Inventors Wyatt and Percival still work for Corning Limited.

5. THAT sometime between February 2000 and 23 January 2001, inventor Kashyap left employment at Corning Limited and, instead, became employed at Corvis Canada where it is believed he is still employed. His last known address is:

Dr. Raman Kashyap  
Corvis Canada  
701 Gougeon Ville  
St-Laurent, Quebec, CANADA H4T 2B4  
Telephone: 1-514-736-5440, Extension 8201

6. THAT, where presently available, true copies of prior correspondence attempting to get joint inventor Raman Kashyap to join this application by executing and returning documents including an inventors' declaration under 37 C.F.R. §1.63 are attached as Exhibits A-D discussed below:

January 19, 2001 letter (copy not presently available) from Chris Ruff (a BT IPD Formalities Officer) to Dr. C.J. Vear, Manager of Patents and Licensing at Corning Limited requesting details concerning the three inventors.

Exhibit A: January 23, 2001 reply letter from Dr. Vear to Chris Ruff stating that inventors Wyatt and Percival are Corning Limited employees but that Dr. Kashyap is thought to have moved to Canada and that contact details might not be available. The ownership "dispute" mentioned in this letter was raised by Corning in 2000 but now appears to have been dropped by Corning. The contract of sale is unequivocal that the patent rights here at

issue belong to BT. Corning's current employees named as inventors in this application have voluntarily assigned all rights to BT.

Exhibit B: February 12, 2001 further reply letter from Dr. Vear to Chris Ruff confirming that Dr. Kashyap no longer works for Corning Limited and providing a forwarding address to Corvis Canada.

Exhibit C: April 6, 2001 letter from Bhavna Vasani (another BT IPD Formalities Officer) on behalf of Ms. Samantha Radley (BT's IPD Formalities Manager) is sent to Dr. Kashyap at the forwarding address supplied by Dr. Vear and forwards various documents for Dr. Kashyap's review, signature and return for use in Canadian and US national application counterparts to a European priority application together with a self-addressed envelope for returning same by 30 April 2001. Although not explicitly mentioned in the written cover correspondence, BT's standard practice is to attach a complete copy of the patent application (specification, claims and drawings) to the inventors' declaration. No response was ever received to this correspondence.

Exhibit D: April 25, 2001 letter from Bhavna Vasani (again on behalf of Ms. Radley) to Dr. Kashyap encloses another copy of the same documents and instructions for returning executed documents by May 9, 2001. No response was ever received to this correspondence.

7. THAT in June 2001 one of the other inventors confirmed to Bhavna Vasani that Dr. Kashyap was working at Corvis Canada.

WYATT et al

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8. THAT Bhavna Vasani thereafter conducted an internet search to find the telephone switchboard number 001 514 736 5440 for Corvis Canada. Communicating by telephone via the switchboard, she gets through to Raman Kashyap's secretary, Nadia Dissadia (extension 8207). Dr. Kashyap's secretary confirms by phone that the two sets of documents and covering letters have been received. She adds, however, that Raman Kashyap is better reached at the address shown below:

701 Gougeon Ville  
Saint Laurent, Quebec, Canada H4T 2B4

The secretary adds that she will return the signed documents as soon as they are signed.

9. THAT after receiving this information, on August 20, 2001, Bhavna Vasani (on behalf of Ms. Radley) again sent BT's standard letter (attached as Exhibit E) for a third time enclosing the documents for execution and instructions for completion. The letter stated that the matter was now urgent. Raman Kashyap was urged to contact the IPD if he required any further guidance or information. On the same day Bhavna Vasani faxed Nadia Dissadia asking her to email location details so that BT could arranged for DHL to pick the signed documents up from Nadia directly. No response was received from Raman Kashyap to this letter.

10. THAT during June 2001 to the end of October 2001, Bhavna Vasani spoke to Raman Kashyap's secretary about 20 times asking for the signed documents to be returned. Each time the secretary said that she would get the documents signed and returned.

11. THAT by the end of October 2001 Bhavna Vasani found out that the secretary Nadia Dissadia had left Corvis Canada.

WYATT et al

Serial No. 09/805,377

12. THAT during the first week of November 2001, Bhavna Vasani spoke to Raman Kashyap directly. He said that he was not going to sign the documents until he had sought advice. He said he would phone back. He did not.

13. THAT on November 28, 2001 I sent a letter (copy attached as Exhibit F) again enclosing the documents for execution to Raman Kashyap at the address shown above as his last known address asking him to sign the documents and to return them as a matter of urgency. I pointed out that BT would be forced to seek entitlement from the USPTO and/or other entities to proceed anyway without his participation if he did not sign and that BT would ultimately ask for an award of costs. No response has been received to this letter.

14. THAT I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

30 January 2002  
Date:

Karen Thirlwell  
Karen Thirlwell





Patents and Licensing Department  
Quantum House  
Maylands Avenue  
Hemel Hempstead  
Herts.  
HP2 7DE  
United Kingdom

21/30/02 14:09 :08

Tel: +44 (0)1442 210176  
Fax: +44 (0)1442 210130  
E-Mail: [vearj@corning.com](mailto:vearj@corning.com)

RECEIVED

24 JAN 2001

IP FORMALITIES  
GROUP

Exhibit A

Our Ref: 1376BT  
Your Ref: A25680, A25795, A25897  
Date: 23 January 2001

Chris Ruff  
Formalities Officer  
BT Group Legal Services  
Intellectual Property Department  
120 Holborn  
London EC1N 2TE

**CORNING**  
Delivering Beyond Imagination

Dear Mr Ruff,

### Inventor Details Request - BT Cases A25680, A25795, A25897

We are in receipt of your letter dated 19 January 2001 requesting details of certain inventors named on these cases.

As you should be aware, all of the named inventors, except one (please see below) are employees of Corning.

You should also be aware that a dispute exists concerning ownership of these patent applications which were filed by BT after Corning acquired the Research Centre. This has been the topic of discussions last year with Walter De'Ath in BT IPD and the matter remains unresolved.

We should inform you that Raman Kashyap left Corning and is understood to have moved to Canada. It is unclear at present whether Corning has contact details.

Yours sincerely,

Dr CJ Vear  
Manager, Patents and Licensing

Cc Walter De'Ath, BT IPD

RECEIVED  
FEB 04 2002  
OFFICE OF PETITIONS

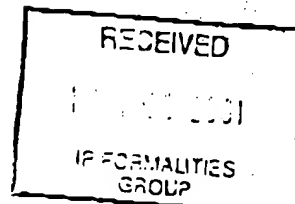
Registered Office:  
Corning Ltd.  
Wear Glass Works  
Sunderland  
Tyne & Wear SR4 6EJ  
Registered in England,  
Number 00173274

Corning Limited

Patents and Licensing Department  
Quantum House  
Maylands Avenue  
Hemel Hempstead  
Herts.  
HP2 7DE  
United Kingdom

Tel: +44 (0)1442 210176  
Fax: +44 (0)1442 210130  
E-Mail: [vearj@corning.com](mailto:vearj@corning.com)

Our Ref.: 1376BT  
Your Ref.: A25680, A25795, ~~A25897~~  
Date: 12 February 2001



Chris Ruff  
Formalities Officer  
BT Group Legal Services  
Intellectual Property Department  
120 Holborn  
London EC1N 2TE

**CORNING**  
Discovering Beyond Imagination

Dear Mr Ruff,

**Inventor Details Request - BT Cases A25680, A25795, A25897**

Further to your letter dated 19 January 2001 and our response of 23 January, we have obtained the details as requested.

We enclose copies of the forms with inventor details completed.

As noted previously, Raman Kashyap is no longer employed by Corning. Having made enquiries at CRC, he left the following contact address:

Corvis Canada  
520 Rue McCaffrey  
Ville Saint Laurent  
Quebec  
Canada H4T 1N1

We suggest that you attempt to contact him at that address.

We trust the enclosures are in order.

Yours sincerely,

Dr CJ Vear  
Manager, Patents and Licensing

001 514 736 544

Registered Office:  
Corning Ltd.  
Wear Glass Works  
Sunderland  
Tyne & Wear SR4 6EJ  
Registered in England,  
Number 00173274

Exhibit C

PHONE: 020 7492 8148  
FAX: 020 7242 0838

Mr Raman Kashyap  
Corvis Canada  
520 Rue McCaffrey  
Ville Saint Laurent  
Quebec  
Canada H4T 1N1

06 April 2001

Dear Mr Kashyap,

**Patent Formality Documents for filing foreign Patent Applications****BT Case Ref: A25897****Title: OPTICAL COMMUNICATIONS SYSTEM AND METHOD OF  
PROTECTING AN OPTICAL ROUTE**

I am currently completing formalities for the above case, on which you are named as an inventor, and enclose various documents requiring your signature (and other action) as detailed in the attached schedule. We apologise for sending these documents to your work address.

As there are strict deadlines for lodging documents abroad, I would be grateful if you could give this matter your PROMPT ATTENTION.

Please return the completed document(s) to me, at the address given below, by:

**30 April 2001**

(Self-addressed envelope enclosed for your convenience and a five dollar bill to cover the cost of posting)

If you require any further guidance or information, please do not hesitate to contact me.

Many thanks for your assistance.

Yours faithfully

Miss Samantha Radley  
Formalities Manager

**ENCLOSED**

Document(s) for execution  
Schedule of documents (with guidelines)  
Self Addressed Envelope

**A25897****EP/GB PRIORITY SCHEDULE****Documents Enclosed****INVENTORS:**

Richard WYATT  
Robert PERCIVAL  
Raman KASHYAP

COUNTRY	DOCUMENT	SIGNATURE	WITNESS	NOTES
CAw	Assignment	Inventor (s)	Yes	Please ask a colleague to witness your signature by filling in the "Statement by Witness" and signing where indicated
US	Decn & POA	Inventor (s)		
US	Assignment	Inventor (s)	Yes	

NB, when you are asked to execute USA or Canadian documents, you will be sent a minimum of 1 US dollar bill and 1 Canadian dollar bill as stated in the relevant assignment.

PHONE:

020 7492 8147

FAX:

020 7242 0838

BT



Mr Raman Kashyap  
Corvis Canada  
520 Rue McCaffrey  
Ville Saint Laurent  
Quebec  
Canada H4T 1M1

2B4

+01 GONGEON  
ST. LAURENT  
QUEBEC  
CANADA H4T 1M1

001 514 336 5440  
1 820 5201  
Ndu.

1 820 5201  
5242

25 April 2001

Dear Mr Kashyap,

### Patent Formality Documents for filing foreign Patent Applications

BT Case Ref: **A25897**

Title: **OPTICAL COMMUNICATIONS SYSTEM AND METHOD OF  
PROTECTING AN OPTICAL ROUTE**

I am currently completing formalities for the above case, on which you are named as an inventor, and enclose various documents requiring your signature (and other action) as detailed in the attached schedule. We apologise for sending these documents to your work address.

As there are strict deadlines for lodging documents abroad, I would be grateful if you could give this matter your PROMPT ATTENTION.

Please return the completed document(s) to me, at the address given below, by:

**9 May 2001**

(Self-addressed envelope enclosed for your convenience)

If you are unable to return the documents to me before the date requested, please contact me urgently to advise when you will be able to reply.

If you require any further guidance or information, please do not hesitate to contact me.

Many thanks for your assistance.

Yours faithfully

*B. Vane*

Miss Samantha Radley  
Formalities Manager

### ENCLOSED

Document(s) for execution  
Schedule of documents (with guidelines)

11:00:00:two-01:00:00:00:00

British Telecommunications plc  
Registered Office:  
81 Newgate Street, London EC1A 7AJ  
Registered in England no. 1800000  
BT is an ISO 9001 Registered Company  
www.bt.com

**A25897****EP/GB PRIORITY SCHEDULE****Documents Enclosed****INVENTORS:**

Richard WYATT  
Robert PERCIVAL  
Raman KASHYAP

COUNTRY	DOCUMENT	SIGNATURE	WITNESS	NOTES
CAw	Assignment	Inventor (s)	Yes	Please ask a colleague to witness your signature by filling in the "Statement by Witness" and signing where indicated
US	Decn & POA	Inventor (s)		
US	Assignment	Inventor (s)	Yes	

NB, when you are asked to execute USA or Canadian documents, you will be sent a minimum of 1 US dollar bill and 1 Canadian dollar bill as stated in the relevant assignment.

PHONE: 020 7492 8147  
FAX: 020 7242 0638

**BT**

Dr Raman Kashyap  
Corvis Canada  
701 Gougeon Ville  
St-Laurent  
Quebec  
Canada H4T 2B4

20 August 2001

Dear Dr Kashyap,

**Patent Formality Documents for filing foreign Patent Applications****BT Case Ref: A25897****Title: OPTICAL COMMUNICATIONS SYSTEM AND METHOD OF  
PROTECTING AN OPTICAL ROUTE**

I am currently completing formalities for the above case, on which you are named as an inventor, and enclose various documents requiring your **URGENT** signature (and other action) as detailed in the attached schedule.

As there are strict deadlines for lodging documents abroad, I would be grateful if you could give this matter your PROMPT ATTENTION. We originally sent the forms in April 2001 to 520 Rue McCaffrey according to Dr CJ Vear.

If you require any further guidance or information, please do not hesitate to contact me.

Many thanks for your assistance.

Yours faithfully

PP Miss Samantha Radley  
Formalities Manager

**ENCLOSED**

Document(s) for execution  
Schedule of documents (with guidelines)

**A25897****EP/GB PRIORITY SCHEDULE****Documents Enclosed****INVENTORS:**

Richard WYATT  
Robert PERCIVAL  
Raman KASHYAP

COUNTRY	DOCUMENT	SIGNATURE	WITNESS	NOTES
			-	-
CAw	Assignment	Inventor (s)	Yes	Please ask a colleague to witness your signature by filling in the "Statement by Witness" and signing where indicated
US	Decn & POA	Inventor (s)	-	-
US	Assignment	Inventor (s)	Yes	-

NB. when you are asked to execute USA or Canadian documents, you will be sent a minimum of 1 US dollar bill and 1 Canadian dollar bill as stated in the relevant assignment.



Telephone 020 7492 8111  
Facsimile 020 7242 0585  
Email: karen.thirlwell@bt.com



Dr Raman Kashyap  
Corvis Canada  
701 Gougeon Ville  
St-Laurent  
Quebec  
CANADA  
H4T 2B4

28 November 2001

**Patent Formality Documents for filing foreign Patent Applications**  
**Our ref: A25897/US and A25897/CA**

Dear Raman

You were listed together with Mike Percival and Richard Wyatt as an inventor for the above mentioned BT cases. Whilst we have received completed documents from Mike and Richard, we still have not received from you the assignment for Canada or the assignment and declaration documents for the US. These documents were sent to you in April 2001 to the forwarding address provided to us by Corning plc and again in August 2001. Since August our Formalities officer, Bhavna Vasani, has spoken to your secretary several times, and recently to you asking that you return the documents signed as a matter of urgency. Please find enclosed the documents for signature. It is requested once again that you duly sign in accordance with the instructions and return the signed forms to us urgently.

If the forms are not returned as a matter of urgency, BT plc will be forced to seek entitlement and an award of costs against you before the United Kingdom Patent and Trademark Office. Ownership of patent applications is determined in accordance with the law in the country in which the invention was made and at the time the invention was made. The invention with which the above mentioned applications is concerned, was made in the UK whilst you were an employee of BT plc. Thus, UK law applies. According to the UK Patents Act 1977, Section 39(1)(a), if an employee makes an invention which could be expected to arise in the course of his normal duties, that invention belongs to his employer. The subject invention, an optical fuse, fulfils these requirements, bearing in mind the duties you and the other two inventors were under contract to carry out as research scientists in the Photonics Laboratory whilst employed by BT plc.

You will remember that the same set of criteria applied to your numerous other inventions which arose whilst you were employed by BT plc and whose assignment and declaration formalities you were duly able to complete.

document1

BT Group Legal Services  
Intellectual Property Department  
120 Holborn, London EC1N 2TE

British Telecommunications plc  
Registered Office:  
81 Newgate Street, London EC1A 7AJ  
Registered in England No. 1800000  
BT is an ISO 9001 Registered Company  
[www.bt.com](http://www.bt.com)



Your cooperation in this matter is appreciated and we look forward to receiving the signed documents as soon as possible.

Yours sincerely

*Karen Thirlwell*

**Karen Thirlwell**  
**Intellectual Property Department**



## ASSIGNMENT CANADA

I/We,

**WYATT, Richard**

22 Lockwood Close, Woodbridge, Suffolk, IP12 1HZ, Great Britain

**PERCIVAL, Robert Michael**

6 Hillary Close, Ipswich, Suffolk, IP4 5AE, Great Britain

**KASHYAP, Raman**

Corvis Canada, 520 Rue McCaffrey, Ville Saint Laurent, Quebec, Canada, H4T 1N1

In consideration of two (\$2.00) Dollars, and other good and valuable consideration paid to me/us by

**BRITISH TELECOMMUNICATIONS public limited company**  
**81 NEWGATE STREET**  
**LONDON, EC1A 7AJ**  
**ENGLAND.**

hereinafter called the Assignee, the receipt whereof is hereby acknowledged, I/we do hereby sell and assign unto the said Assignee, all my/our right, title and interest in Canada in and to my/our invention relating to

### OPTICAL COMMUNICATIONS SYSTEM AND METHOD OF PROTECTING AN OPTICAL ROUTE

as fully described and claimed in the application for a patent for such invention and to all my/our corresponding right, title and interest in and to any patent which may issue therefor.

Signed at _____	this _____	day of _____	2001
<b>INVENTOR (1) Signature:</b> _____			
<b>WYATT, Richard</b>			
<b>WITNESS: I, _____</b>		<b>[Insert FULL name]</b>	
of _____		<b>[Insert postal address]</b>	
<b>DECLARATION BY WITNESS:</b>			
hereby declares:			
(1) THAT I am the witness whose signature appears on the attached assignment.			
(2) THAT I was personally present and did see the above named inventor (1) [the assignor herein], who is personally known to me to be the person so named, duly sign and execute the same.			
Executed at _____	this _____	day of _____	2001
<b>WITNESS Signature:</b> _____			

P.T.O



Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2001

INVENTOR (2) Signature: \_\_\_\_\_

PERCIVAL, Robert Michael

WITNESS: I, \_\_\_\_\_ [Insert FULL name]

of \_\_\_\_\_ [Insert postal address]

**DECLARATION BY WITNESS:**

hereby declare:

- (1) THAT I am the witness whose signature appears on the attached assignment.  
(2) THAT I was personally present and did see the above named inventor (2) [the assignor herein], who is personally known to me to be the person so named, duly sign and execute the same.

Executed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2001

WITNESS Signature: \_\_\_\_\_

Signed at \_\_\_\_\_ this x day of y 2001

INVENTOR (3) Signature: y

KASHYAP, Raman

WIT CONE

WITNESS: I, y \_\_\_\_\_ [Insert FULL name]

of y \_\_\_\_\_ [Insert postal address]

**DECLARATION BY WITNESS:**

hereby declare:

- (1) THAT I am the witness whose signature appears on the attached assignment.  
(2) THAT I was personally present and did see the above named inventor (3) [the assignor herein], who is personally known to me to be the person so named, duly sign and execute the same.

Executed at y this \_\_\_\_\_ day of \_\_\_\_\_ 2001

WITNESS Signature: y

38-1567

Nixon & Vanderhye P.C. (10/99)  
(Domestic Non-Assigned/Foreign) Page 1

**RULE 63 (37 C.F.R. 1.63)**  
**INVENTORS DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**OPTICAL COMMUNICATIONS SYSTEM AND METHOD OF PROTECTING AN OPTICAL ROUTE**

the specification of which (check applicable box(es)):

☐ is attached hereto

☐ was filed on \_\_\_\_\_

as U.S. Application Serial No. \_\_\_\_\_

(Any Dkt. No. 36-1567)

☐ was filed as PCT International application No. \_\_\_\_\_

on \_\_\_\_\_

and (if applicable to U.S. or PCT application) was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number

Country

Day/Month/Year Filed

00302423.9

Europe

24 March 2000

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number

Date/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

Prior U.S./PCT Application(s):

Application Serial No.

Day/Month/Year Filed

Status: patented  
pending, abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively owner's/owners' attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25840; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Basha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32108; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Michard, 29009; Duane M. Byers, 33363; Jeffrey H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagan, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36863; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoads, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097. I also authorize Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderhye on behalf of the owner(s).

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FOR ADDITIONAL INVENTORS, check box ☒ and attach sheet with same information and signature and date for each.



Nixon & Vanderhye P.C. (10/99)  
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Serial No.

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Date: \_\_\_\_\_

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Case No.: 36-1567

## ASSIGNMENT OF U.S. PATENT APPLICATION

(Inventors) Richard WYATT  
Robert M. PERCIVAL  
Raman KASHYAP

(Assignee) In consideration of the sum of one dollar (\$1.00) and other good and valuable considerations paid to each of the undersigned, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to BRITISH TELECOMMUNICATIONS a public limited company, a corporation of Great Britain

(Address) 81 Newgate Street, London, England EC1A 7AJ

(Title) (hereinafter designated as the Assignee) the undersigned's entire right, title and interest for the United States, its territories, dependencies and possessions in the invention, and all applications for patent and any Letters Patent which may be granted therefore, known as OPTICAL COMMUNICATIONS SYSTEM AND METHOD OF PROTECTING AN OPTICAL ROUTE

for which the undersigned has (have) executed on even date herewith an application for patent in the United States of America or, if not on even date, then has executed on \_\_\_\_\_ or has already filed U.S. appln. Serial No. \_\_\_\_\_ on \_\_\_\_\_

The undersigned acknowledges an obligation of assignment of this invention to said assignee at the time the invention was made.

The undersigned agree(s) to execute all papers and documents necessary in connection with the application or any interference which may be declared and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient and further to perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patent of the United States resulting from said application or any division or divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the firm of NIXON & VANDERHYE P.C. the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned signature(s).

Date \_\_\_\_\_ Signature of inventor \_\_\_\_\_

Date \_\_\_\_\_ Signature of inventor \_\_\_\_\_

Date \_\_\_\_\_ Signature of inventor \_\_\_\_\_

Witnessed by: \_\_\_\_\_ Date \_\_\_\_\_

Witnessed by: \_\_\_\_\_ Date \_\_\_\_\_

Witnessed by: \_\_\_\_\_ Date \_\_\_\_\_